



The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



**Thomas S. Burack, Commissioner**

January 19, 2016

The Honorable Representative Chris Christensen, Chair  
Resources, Recreation and Development Committee  
Legislative Office Building, Room 305  
Concord, NH 03301

**RE: HB 1299 relative to the frequency of background checks for camp employees.**

Dear Chairman Christensen:

Thank you for the opportunity to comment on HB 1299, which would amend RSA 485-A:24 to change the frequency of background checks required for youth skill camp owners, employees and volunteers from annually to at least every three years and would require retention of background checks by youth skill camps. The New Hampshire Department of Environmental Services (NHDES) opposes this bill.

The requirement for background checks for owners, employees and volunteers at youth skill camps was established in RSA 485-A:24 in 2013, effective January 1, 2014. Youth Recreation Camps (i.e. programs that operate at least 10 days per year for the purpose of providing recreational opportunities to 10 or more youth per day, including residence camps and seasonal and year round day camps) have been regulated to protect children since the 1980s, including requiring background checks for anyone who may be alone with a child or children at a recreation camp.

An incident in 2011 brought to light that short-term camps, many of which are overnight camps, that teach a skill to minors were not regulated and that background checks were not uniformly required of owners, staff and volunteers. As a result, in 2012 SB 363 established a commission to study this issue. The commission recommended requiring background checks at youth skill camps. The commission's recommendation was implemented with the passage of legislation (RSA 485-A: 24) and administrative rules that now require annual background checks at youth skill camps. Annual performance of background checks for seasonal employees is also an American Camp Association standard and has been the standard for youth recreation camps for many years.

Throughout NHDES's involvement with the commission, legislative committees, a rulemaking stakeholder group, and the administrative rule adoption process, it was assumed by all involved that background checks would be performed on an annual basis. This is because, among other reasons, employees at summer camps often change

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from year to year, may reside in other states or nations, and because the typically seasonal nature of their employment makes it unlikely that camp management would become aware of any legal or criminal matters with which their employees or prospective employees may become involved from one year to the next.

For all of these reasons, NHDES believes this legislation is inadvisable and would place youth at an unacceptable additional risk from which they are protected by current law.

It is also important to note a number of other defects in and problems raised by the bill as drafted. NHDES would urge that all of these issues be addressed were the Committee decide to take any affirmative action on this legislation. First, HB 1299 requires background checks to be performed not less than every three years. Any change to the existing language should clarify that in all cases background checks must be performed and found acceptable before the person is allowed to be alone with a child. Second, the portion of the bill that addresses the retention of information gained from a background check should be amended to require that such information be kept in a secure location, as this was identified as being important during the stakeholder discussions for the administrative rules related to youth skill camps. The committee may also want to define the required length of retention time for any such records. Thank you for the opportunity to comment on this legislation. If you have any questions or need additional information, please do not hesitate to contact Sarah Pillsbury, Administrator, Drinking Water and Ground Water Bureau, at 271-1168 or [Sarah.pillsbury@des.nh.gov](mailto:Sarah.pillsbury@des.nh.gov) or me at 271-3449 or [Thomas.burack@des.nh.gov](mailto:Thomas.burack@des.nh.gov).

Sincerely,

A handwritten signature in black ink that reads "Thomas S. Burack". The signature is written in a cursive, flowing style.

Thomas S. Burack  
Commissioner

cc: Sponsors of HB 1299: Reps. Manley and McNamara

